



3743
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Fisher, Jeffrey J. et al.)	PATENT
Application No.:	10/537,854)	Art Group Unit: 3743
I.A. Filing Date:	5 December 2003)	Examiner: Unknown
371(c) Date:	7 June 2005)	
Title:	Portable Vapor Inhaler)	Docket No. 25,961-20US

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Dear Sir or Madam:

Enclosed herewith are the following items:

1. Information Disclosure Statement (2 pages);
2. Form PTO/SB/08A (1 page), with cited references (excluding U.S. references); and
3. A return receipt postcard.

Please charge any fees necessitated by this correspondence, or credit any overpayment to Deposit Account 50-1212(25,961-20US).

CNS, Inc., by its attorneys,

Dated: February 22, 2006

By:

Audrey J. Babcock

Audrey J. Babcock, Esq., Reg. No. 57,702
Aleya R. Champlin, Esq., Reg. No. 36,251
John F. Klos, Esq., Reg. No. 37,162
Fulbright & Jaworski L.L.P.
2100 IDS Center, 80 South 8th Street
Minneapolis, MN 55402-2112
Telephone: (612) 321-2800

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8: I hereby certify that this paper and any papers referred to herein are being deposited with the U.S. Postal service, as first class mail, postage prepaid, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 22, 2006.

Audrey J. Babcock: Audrey J. Babcock
Signature



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INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. § 1.97 or § 1.98, Applicant in the above-identified application submits this Information Disclosure Statement together with the enclosed form PTO/SB/08A in order to bring to the Examiner's attention references of which Applicant is aware and which may have some bearing on the examination of this case. A copy of each of the identified prior art items is submitted herewith (excluding the U.S. references).

This Information Disclosure Statement is not to be construed as a representation that a search has been conducted by Applicant or that no other material information exists. See 37 C.F.R. § 1.97(b). Furthermore, statements describing a particular reference indicate only Applicant's understanding of the teachings of that reference, and are not a representation that the reference has been reviewed completely or that no other pertinent or material information is contained in that reference.

Applicant's submittal of these references or discussion thereof in this IDS or the Background of the specification is not to be construed as an admission that these references are prior art or material to the patentability of any pending claim.

As this submittal of references is occurring before the first Office Action, no fee is required.

Please direct any questions or comments regarding this application or Information Disclosure Statement to Audrey J. Babcock at (612) 321-2265.

CNS, Inc., by its attorneys,

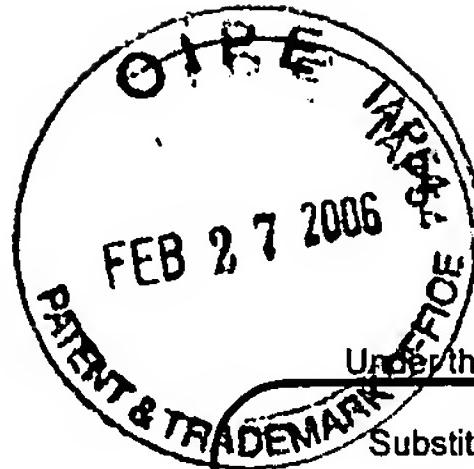
Dated: February 22, 2006

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Audrey J. Babcock: Audrey J. Babcock
Signature



PTO/SB/08A (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1

of 1

Complete if Known

Application Number	10/537,854
Filing Date	12-05-2003
First Named Inventor	Jeffrey J. Fisher
Art Unit	3743
Examiner Name	Unknown

Attorney Docket Number 25,961-20US

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 556,228	03-10-1896	Walter	generally
		US- 568,928	10-06-1896	Stratton et al.	generally
		US- 1,476,194	12-04-1923	Dismond	generally
		US- 1,601,258	09-28-1926	Pajer	generally
		US- 1,659,970	02-21-1928	Chouinard	generally
		US- 2,672,141	03-16-1954	Filger	generally
		US- 4,226,367	10-07-1980	Hayes	generally
		US- 4,523,589	06-18-1985	Krauser	generally
		US- 5,921,233	07-13-1999	Gold et al.	generally
		US- 6,062,213	05-16-2000	Fuisz et al.	generally
		US-			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		PCT/US03/38661 search report	04-22-2004	CNS, Inc.	generally	

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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